

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION


No. 5:16-CR-192-FL-1
No. 5:20-CV-509-FL

DONTAI DURHAM,)	
)	
Petitioner,)	
)	
v.)	
)	ORDER
UNITED STATES OF AMERICA)	
)	
Respondent.)	

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Kimberly A. Swank, recommending that petitioner’s motion to vacate under 28 U.S.C. § 2255 (DE 40, 43), be denied, and the government’s motion to dismiss (DE 49) be granted. No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

Upon careful review of the M&R and of the record generally, having found no clear error, the court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, petitioner’s motion is DENIED, the government’s motion to dismiss is GRANTED, and this matter is DISMISSED for the reasons stated in the M&R. A certificate of appealability is DENIED, where the applicable standard has not been met. See 28 U.S.C. § 2253(c). The clerk of court is directed to close the case.

SO ORDERED, this the 2nd day of May, 2022.



LOUISE W. FLANAGAN
United States District Judge